UNITED STATES BANKRUPTCY COURT

## WESTERN DISTRICT OF NEW YORK

IN RE: HALE, HELEN

BK NO.: 16-21101

Chapter 13

Debtor(s)

## AMENDMENT TO PLAN FILED WITH THE COURT ON JUNE 1, 2017.

This is an exclusive amendment to the debtor(s) plan docketed with the Court on original plan filed October 13, 2016, last amended plan filed on March 16, 2017, docketed at Number 14 and 34 on the Court's Docket. Any and all other amendments to said plan filed prior to this date are null and void upon the docketing of this amendment. The plan is amended as follows:

Paragraph #3 is amended to: NYS TAX & FINANCE SECURED DEBT IS TO BE LISTED AS \$3,670.88 PLUS 14.5% INTEREST IS TO BE PAID OUTSIDE OF PLAN AS SPECIFIED IN PARAGRAPH 12.

ALSO THE ARREARS ON MORTGAGE (SELECT PROFOLIO) IN THE AMOUNT OF \$19,984.35 WILL BE PAID THROUGH PLAN.

**Paragraph #4 is amended to**: NYS TAX & FINANCE PRIORITY CLAIM IN THE AMOUNT OF \$2,000.00 IS TO BE PAID INSIDE OF THE PLAN THE REMAINING BALANCE OF \$56,492.74 WILL BE PAID OUTSIDE OF THE PLAN AS SPECIFIED IN PARAGRAPH 12 SPECIAL PROVISIONS.

Paragraph 12 is amended to: SPECIAL PROVISIONS; PARAGRAPH 12 A portion of the Secured and Priority Tax Claims (the "NYS taxes") of the New York State Department of Taxation and finance (the "Department"), shall be paid through the Debtor's Plan. However, the balance of the NYS taxes shall be paid outside the plan through an installment payment agreement ("IPA") between the Department and the business, Kabron, LLC, for which the debtor is the responsible party. Pursuant to the IPA, the business has agreed to pay the Department \$1,410.93 per month for 60 months. The provisions of the IPA are incorporated in this Plan by reference and any default in payment thereon shall likewise constitute a default in payment pursuant to this plan.

In the event of the Debtor's default in payment or her failure to file any post-petition state tax return when due and to make payment in full of any tax owing thereon, the Department shall provide Debtor fifteen (15) days written notice of such default and an opportunity to cure said default. If the default has not been cured within fifteen (15) days of such written notice, then the entire NYS tax debt still owed to the Department shall become due and payable immediately. In such event, the Department may exercise all the rights and remedies, which it may have under applicable non-bankruptcy law including, without limitation, the collection of the NYS taxes through the administrative collection provisions of the New York State Tax Law. In addition, or alternatively, upon Debtor's Default, the Department, without further notice, may file with the Court an ex parte order of dismissal or conversion of Debtor's case to a Chapter 7 proceeding.

In the event that the NYS taxes have not been paid in full at the conclusion of Debtor's Plan, the NYS taxes shall survive discharge and any liens that have not been satisfied shall remain in offset/against 211 property of the debtor including post-petition acquisitions, until such taxes are paid in full.

These changes to the plan docketed	will affect creditors as follows:
A. Secured claims:	
B. Priority claims:	
C. Unsecured claims:	
All other terms and conditions of the plan docket full force and effect.	ted with this Court on October 13, 2016, remain in
Dated: <u>JUNE 1, 2017</u>	/s/ HELEN HALE Nelse on to 1
Rochester, NY	Debtor
	/s/
	Joint Debtor
Attached is proof of service on George M. Reibe	er, Chapter 13 Trustee, and all affected creditors as follows:

(9/11)